

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

IN RE: ASSIGNMENT OF CIVIL CASES

General Order No. 2006-5

ORDER

In an effort to equalize the distribution of the court's workload and to make the most effective use of the court's personnel and resources, IT IS HEREBY ORDERED that all civil cases filed in the Northern District of Indiana shall be distributed among and assigned to the district judges and magistrate judges in accordance with this order, effective July 1, 2006.

This order shall not affect the assignment of criminal cases, see General Order 2006-6, and supersedes General Order 2003-20 entered June 30, 2003 and General Orders 2004-9, 2004-10, and 2004-11 entered September 13, 2004.

1. Assignment of a Presiding Judge

Except as hereinafter provided, the initial assignment of a presiding judge to any civil case filed in the Northern District of Indiana shall be made on a district-wide basis, without regard to the courthouse or division in which the case is filed. The Clerk of the Court shall employ a centralized distribution system designed to produce blind assignment of civil cases in such proportions as to leave each active district judge with an equal share of the total number of civil and criminal cases filed in the district, without regard to any weighting system prescribed by the Administrative Office. Each senior judge shall receive a percentage of the total number of cases assigned to an active judge. The percentage of any senior judge's caseload is subject to change and shall be based

upon the judge's annual request for certification under the Ethics Reform Act of 1989, 28 U.S.C. § 371, the Judicial Conference rules implementing § 371, *see Guide to Judiciary Policies and Procedures*, Vol. 3, Sec. C, Chpt. 1, Part B., Exhibit B-3, and the Seventh Circuit Guidelines to Determine the Staffing Requirements of Senior and Recalled Judges (adopted September 30, 1997).

2. Assignment of a Magistrate Judge

Except as hereinafter provided or unless otherwise directed by the presiding judge, every civil case filed in the Northern District of Indiana shall be assigned to a magistrate judge located in the division of the court in which the case is filed for the purpose of conducting all non-dispositive pretrial proceedings, pursuant to 28 U.S.C. § 636(b)(1)(A); FED. R. CIV. P. 72(a) and General Orders 2003-19, 2003-21, and 2004-6. Cases filed in the Lafayette courthouse shall be assigned to a magistrate judge located in Hammond. To the extent the assigned district judge finds it necessary or appropriate to conduct a non-telephonic pretrial proceeding, the judge should consider the use of videoconferencing or other means to eliminate the need for physical presence in a courthouse other than the courthouse in which the case was filed.

3. *Exceptions*

The following exceptions shall be made in implementing this order:

(a) All civil cases filed in the Hammond Division in Lafayette shall be assigned to Judge Sharp and shall be counted in calculating the total number of cases assigned to him.

(b) All petitions under 28 U.S.C. § 2254 filed by persons under sentence of death shall be assigned to Judge Sharp.

(c) All petitions under 28 U.S.C. § 2255 shall be assigned to the presiding judge in the related criminal case.

(d) Judge Moody will not be assigned the following: truth-in-lending (nature of suit code 371), bankruptcy (nature of suit codes 422-423), labor (nature of suit codes 710-791), copyrights, patent and trademark (nature of suit codes 820, 830 and 840), Social Security (nature of suit codes 861-865), environmental (nature of suit code 893), class action, or cases with an initial request for a Temporary Restraining Order or Preliminary injunction.

(e) No magistrate judge shall be assigned in cases in which the nature of suit involves a bankruptcy appeal or petition under 28 U.S.C. §§ 2241, 2254, or 2255.

(f) If a petition for temporary restraining order is filed at the same time as the complaint, the clerk shall make a temporary assignment of the case to a district judge who regularly sits in the division in which the complaint was filed. The temporary assignment shall be made on a random basis. Following the initial

handling of the petition for temporary restraining order, the temporarily-assigned district judge shall notify the clerk, who shall then assign the case to a district judge under the method set forth in paragraph 1 of this Order.

4. *Review and Reassignment*

The Clerk of the Court shall review the case distribution statistics on June 1 and December 1 or each year to determine whether the court's workload has been equally distributed in accordance with this order, taking into account the total number of civil and criminal cases assigned to each judge; and, if necessary, shall make a recommendation to the chief judge regarding the need for reallocation or reassignment of the civil caseload to accomplish the court's objective. The chief judge may extend the date by which the review and recommendation must be completed by not more than thirty days.

SO ORDERED this 25th day of May, 2006.

/s/ Robert L. Miller, Jr.
Robert L. Miller, Jr., Chief Judge

/s/ James T. Moody
James T. Moody, Judge

/s/ Allen Sharp
Allen Sharp, Judge

/s/ Rudy Lozano
Rudy Lozano, Judge

/s/ William C. Lee
William C. Lee, Judge

/s/ Philip P. Simon
Philip P. Simon, Judge

/s/ Theresa L. Springmann
Theresa L. Springmann, Judge